

Attachment to Independent Case Review Report
For CDRU #253 Case file #95-271023.

Material Examiner: Malone (RO)

Remarks:

Case resulted in a trial, transcript available.

CRM - 7351

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: David W. Hall

Area(s) of Expertise: Forensic Botany

Review commenced at: 9:20 AM (Time), 22 Sept. 86 (Date)

File #: 95-271023

Laboratory #(s): 60911045 S RR

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>Malone (RR)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: Michael P. Malone

Testimony Date(s): _____ Pages: 86-120

Laboratory Report(s):

Laboratory Number: 60911045 S RR Date: 29 Oct. 1986

Laboratory Number: _____ Date: _____

Laboratory Number: _____ Date: _____

Examiner Bench Notes of: _____

Laboratory Number: _____

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Initials: DWH

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Was any other material reviewed? Yes No

If yes, please identify and/or describe the material: _____

Results of Review

File #: 95-271023 Item or Specimen # Reviewed: _____

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
 Yes No Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
 Yes No Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)? Yes No Unable to Determine
 - 4) Testimony consistent with the bench notes? Yes No Unable to Determine
 - 5) Testimony within bounds of examiner's expertise? Yes No Unable to Determine

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Initials: JW

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-271023

5+1) Examiner obviously does not have the expertise to determine the identification, diseases, & nutritional levels, or management of turf grasses. Many such experts are available. The Botany Dept. of the Smithsonian would not have such expertise.

1) ~~1)~~ Plant material notes do not mention numbers of specimens in each sample or condition of samples or the container in which B3 + B4 were sent.

Review completed at: 10:00 AM (Time), 22 Sept. 2004 (Date)

Total time spent conducting review (to nearest 1/4 hour): 0.75 hr

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 63 pages.

Walter W. Hall

(Signature)

22 Sept. 2004

(Date)